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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Federal Trade Commission,

Plaintiff,

v.

AMG Services, Inc., *et al.*,

Defendants.

Case No. 2:12-cv-00536-GMN-VCF

**Motion to Release Certain Funds Held by
Monitor**

Consistent with prior orders in this case, the United States moves to have certain funds held by the court-appointed monitor Thomas W. McNamara (the "Monitor") in this action released to satisfy a stipulation and order entered by U.S. District Judge P. Kevin Castel in a related criminal forfeiture proceeding in *United States v. Tucker*, 16 Cr. 91 (PKC), in the United States District Court for the Southern District of New York (the "SDNY Action").

On November 30, 2016, the Court entered a Stipulated Order freezing certain assets of the defendant Scott Tucker, among others (the "Defendants"), in this action and appointing the Monitor. (ECF No. 1099). The Monitor was authorized to, among other things, preserve the value of the assets of the Defendants, conduct investigation and discovery to locate additional assets of the Defendants, sell assets of the Defendants when authorized by the Court, and collect money due or owing to the Defendants. As set forth in

1 the Court's Second Amended Order dated September 3, 2021 (ECF No. 1338), the Monitor
2 is in the process of winding down the Monitorship and disposing of the assets in the
3 Monitorship Estate, and the Monitorship Account held \$14,957,327.76 in net cash as of its
4 most recent status report.

5 On June 9, 2021, a Preliminary Order of Forfeiture as to Substitute Assets was
6 entered in the SDNY Action (ECF No. 447) (the "SDNY Order") forfeiting all right, title
7 and interest of Scott Tucker in certain assets currently in the possession, custody, and
8 control of the Monitor (the "Substitute Assets"). The value of the Substitute Assets that
9 have been liquidated by the Monitor is approximately \$17.3 million. The SDNY Order
10 stated that, "to the extent the Substitute Assets are ordered released in [this] Action or the
11 [Monitor] is terminated prior to entry of the Final Order of Forfeiture, the United States (or
12 its designee) is hereby authorized to take possession of the Substitute Assets and to keep
13 them in its secure custody and control." A copy of the SDNY Order is attached hereto as
14 Exhibit A.

15 On November 9, 2021, a Stipulation and Order was entered in the SDNY Action
16 (ECF No. 482) (the "SDNY Stipulation") among the United States, third-party petitioner
17 MoloLamken LLP ("MoloLamken"), and third-party petitioner Kim Tucker, who is Scott
18 Tucker's former wife, and several corporate entities Kim Tucker claims to currently own
19 (collectively, the "Kim Tucker Parties."). Pursuant to the SDNY Stipulation, the United
20 States acknowledged MoloLamken's superior interest in \$3,338,217.10 of certain of the
21 Substitute Assets (the "Settlement Amount") and agreed to seek release of the Settlement
22 Amount in this action to be transferred to MoloLamken. In addition, the Kim Tucker
23 Parties consented to release of the Settlement Amount to MoloLamken. A copy of the
24 SDNY Stipulation is attached hereto as Exhibit B.

25 The United States has consulted with the Monitor regarding this motion, and the
26 Monitor has no objection to the granting of this motion and has agreed, upon entry of the
27 accompanying proposed order, to transfer the Settlement Amount to MoloLamken pursuant
28 to wire instructions provided by the United States.

Conclusion

Based on the above, this Court should grant the United States' motion to release the Settlement Amount and to have the Settlement Amount transferred to MoloLamken.

Respectfully submitted this 19th day of November 2021.

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/s/ Troy K. Flake
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AMG Services, Inc., *et al.*,

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**Order Granting Motion to Release
Certain Funds Held by Monitor**


The Court has considered the United States' motion to have certain funds held by the court-appointed monitor Thomas W. McNamara (the "Monitor") in this action released to satisfy a stipulation and order entered by U.S. District Judge P. Kevin Castel in a related criminal forfeiture proceeding in *United States v. Tucker*, 16 Cr. 91 (PKC), in the United States District Court for the Southern District of New York.

Accordingly,

IT IS HEREBY ORDERED that the United States' [1363] Motion for Release of Funds Held by the Monitor is **GRANTED**. Within five days of the receipt of wire instructions provided by the United States, the Monitor shall transfer \$3,338,217.10 from the Monitorship Account in this action to MoloLamken LLP.

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2 **IT IS FURTHER ORDERED** that the MoloLamken LLP's [1394] Motion, which
3 requests the same relief, is **DENIED as moot**.
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5 Dated this 27 day of July, 2022.
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9 Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT
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